

REMARKS

Applicant has amended the specification of the above-identified application, in light of objections to the disclosure set forth in Item 4 on pages 2 and 3 of the enclosed Office Action. Specifically, the specification has been amended to include reference to the corresponding International (PCT) Application, and to delete reference to specific claims. In light of the numerous amendments to the specification, Applicant has deleted the original specification, and substituted therefor the enclosed Substitute Specification, a clean copy and marked-up copy of which are enclosed herewith in an Appendix. It is respectfully submitted that this Substitute Specification does not add new matter to the application. In light of this Substitute Specification, it is respectfully submitted that the objection to the disclosure set forth in Item 4 on pages 2 and 3 of the Office Action mailed October 1, 2007, has been overcome, and the required correction has been made.

Reference by the Examiner in Item 4a on page 3 of the Office Action mailed October 1, 2007, to the above-identified application being "a 371 continuation of PCT/JP03/09058" is respectfully traversed. It is respectfully submitted that the above-identified application is a National Stage application filed under 35 USC 371, not a "371 continuation".

The objection to the Abstract set forth in Item 3 on page 2 of the Office Action mailed October 1, 2007, is noted. In view of the enclosed Substitute Abstract, it is respectfully submitted that this objection has been overcome, and the required correction made.

The Examiner is thanked for the indicated allowance of claims 1-22, set forth in Item 5 on page 3 of the Office Action mailed October 1, 2007.

Comments by the Examiner in Item 1 on page 2 of the Office Action mailed October 1, 2007, are noted; and, in particular, the contention by the Examiner that “foreign reference JP-09-166135 was not supplied by applicant and/or not scanned into the record” is noted. It is respectfully submitted that Japanese Patent Document No. 09-166135 was submitted in the above-identified application upon originally filing the above-identified application, with the Information Disclosure Statement filed January 25, 2005. Moreover, in connection therewith, it is respectfully submitted that applicable requirements of 37 CFR 1.97 and 1.98 were satisfied, including requirements of 37 CFR 1.98(a)(3) by reference to this document in the International Search Report for International (PCT) Application No. PCT/JP03/09058, submitted upon originally filing of the above-identified application. Accordingly, it is respectfully submitted that No. 09-166135 should have been considered by the Examiner in connection with the above-identified application.

In any event, enclosed herewith please find a full copy of No. 09-166135, and a computer-generated translation thereof. Also enclosed is a Form PTO/SB/08A listing the enclosed documents. Consideration of these enclosed documents, upon further examination of the above-identified application, is respectfully requested.

In view of all of the foregoing, entry of the present amendments, notwithstanding closing of prosecution on the merits in the Office Action mailed October 1, 2007, and consideration of the enclosed documents, including indication of such consideration by initialing the enclosed Form PTO/SB/08A; and, subsequent thereto, passing of the above-identified application to issue in due course, are respectfully requested.

To the extent necessary, Applicant hereby petitions for an extension of time under 37 CFR 1.136. Kindly charge any shortage of fees due in connection with the

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filing of this paper, including any extension of time fees, to the Deposit Account of Antonelli, Terry, Stout & Kraus, LLP, Account No. 01-2135 (case 1089.44602X00), and please credit any overpayments to such Deposit Account.

Respectfully submitted,

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Enclosures: Form PTO/SB/08A; JP9-166135 (w/English translation); Substitute Specification (Clean and Marked-up copies); Substitute Abstract (Clean and Marked-up copies)

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